4062. Misbranding of stock feed. U.S.v. James Emison et al. (J. & S. Emison & Co.). Plea of guilty. Fine, \$200 and costs. (F. & D. No. 5415. I. S. No. 15064-d.)

At the November, 1914, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within the aforesaid district, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against James Emison and Scott Emison, composing members of J. & S. Emison & Co., a copartnership, doing business under that name and under the name of Baltic Mills, Vincennes, Ind., charging shipment by said defendants, in violation of the Food and Drugs Act, on February 16, 1912, from the State of Indiana into the State of Ohio, of a quantity of stock feed which was misbranded. The product was labeled: (On bags) "Baltic Mills 100 Lbs. A.M O Syrup Feed Manufactured by J. & S. Emison & Co., Vincennes, Ind., "(On tags) "100 lbs. J. & S. Emison & Co., Baltic Mills of Vincennes, Ind., guarantees this A M O Syrup Feed to contain not less than Crude protein 12%; crude fat 5%; fiber 12%; carbo-hydrates (starch and sugar) 65%; and compounded from the following ingredients: corn, oats, alfalfa meal, grain screenings, and molasses."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Moisture (per cent)	21.34
Ether extract (per cent)	2.40
Protein (per cent)	
Crude fiber (per cent)	8.04

Microscopical examination showed that the product consisted of corn, oats, alfalfa, a trace of weed seeds and chaff, and a considerable amount of barley tissue (about 5 per cent); the barley had been malted.

Misbranding of the article was charged in the indictment for the reason that the statements "Crude protein 12%" and "crude fat 5%," borne on said bags and packages in which the product was contained, were false and misleading because said product did not contain 12 per cent of crude protein, but contained a smaller per cent of said substance; and because said product did not contain 5 per cent of crude fat, but contained a smaller per cent of crude fat. Misbranding was charged for the further reason that the statement, "compounded from the following ingredients: corn, oats, alfalfa meal, grain screenings and molasses," borne on each of the packages as aforesaid, was false and misleading in that said product contained an ingredient other than those enumerated in said statement, to wit, malted barley, which was not stated in the brand and label aforesaid as an ingredient of said product, and the presence of said malted barley in said substance was not stated in the label and brand on each of the said packages. Misbranding was charged for the further reason that the article was labeled and branded as aforesaid, so as to deceive and mislead the purchaser thereof into the belief that it contained 12 per cent of crude protein and 5 per cent of crude fat, whereas, in truth and in fact, said product did not contain 12 per cent of crude protein, but contained a less amount of said ingredient, and in that said product did not contain 5 per cent of crude fat, but contained a less amount of said ingredient. Misbranding was charged for the further reason that the article was labeled and branded as aforesaid so as to deceive and mislead the purchaser into believing that it contained corn, oats, alfalfa meal, grain screenings and molasses, and no other ingredients, whereas, in truth and in fact, it contained another ingredient, namely, malted barley, the presence of which said last-named ingredient was not declared on the label of said product on each bag and package containing said product as aforesaid.

On February 25, 1915, the defendants entered pleas of guilty to the indictment, and the court imposed a fine of \$100 upon each defendant, making an aggregate fine of \$200 with costs.

O. F. MARVIN, Acting Secretary of Agriculture,